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**BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Kenneth Klaristenfeld, Ph.D.  
5435 Balboa Blvd., Ste. 207  
Encino, Ca. 91316

Psychologist's License No. PSY 12965

Respondent.

Case No. W-180


OAH No. L-2000050069

**DECISION AND ORDER**

The attached Stipulated Surrender of License is hereby adopted by the Board of Psychology of the Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on May 9, 2001.

It is so ORDERED April 9, 2001.

  
\_\_\_\_\_  
FOR THE BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
Martin R. Greenberg, Ph.D., President

1 BILL LOCKYER, Attorney General  
of the State of California  
2 RICHARD D. MARINO, State Bar No. 90471  
Deputy Attorney General  
3 California Department of Justice  
300 South Spring Street, Suite 1702  
4 Los Angeles, California 90013  
Telephone: (213) 897-8644  
5 Facsimile: (213) 897-1071

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**BOARD OF PSYCHOLOGY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 KENNETH KLARISTENFELD, PH.D.  
5435 Balboa Blvd., Ste. 207  
13 Encino, Ca. 91316

14 Psychologist's License No. PSY 12965

15 Respondent.

Case No. W-180

OAH No. L-2000050069

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

16  
17 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to  
18 the above-entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Complainant Thomas S. O'Connor is the Executive Officer of the Board of  
21 Psychology. He brought this action solely in his official capacity and is represented in this  
22 matter by Bill Lockyer, Attorney General of the State of California, by Richard D. Marino,  
23 Deputy Attorney General.

24 2. Respondent Kenneth Klaristenfeld, Ph.D. ("Respondent") is represented in  
25 this matter by attorney David L. Rosner, whose address is Law Offices of David L. Rosner,  
26 12400 Wilshire Blvd., Ste. 900, Los Angeles, Ca. 90025.

27 3. On or about July 27, 1992, the Board of Psychology issued Psychologist's  
28

1 License Number PSY 12965 to Kenneth Klaristenfeld, Ph.D. ("Respondent"). Unless renewed,  
2 respondent's Psychologist's License will expire on April 30, 2002.

3 **JURISDICTION**

4 4. On December 30, 1999, an Accusation, in case number W-180, was filed  
5 before the Board of Psychology of the Department of Consumer Affairs ("Board"). The  
6 Accusation, together with all other statutorily required documents, was duly served on  
7 Respondent on December 30, 1999. On March 14, 2000, Respondent filed his Notice of Defense  
8 contesting the Accusation. On March 5, 2001, a First Amended Accusation, in case number W-  
9 180, was filed before the Board and is now pending against Respondent. A copy of the First  
10 Amended Accusation, in case number W-180, is attached as Exhibit A and incorporated herein  
11 by reference.

12 **ADVISEMENT AND WAIVERS**

13 5. Respondent has carefully read and discussed with his counsel the nature of  
14 the charges and allegations contained in the Second Amended Accusation, in case number  
15 W-180. Respondent also has read and carefully considered the Stipulated Surrender of License  
16 and understands the effect it will have on his ability to practice.

17 6. Respondent is fully aware of his legal rights in this matter, including the  
18 right to a hearing on the charges and allegations in the First Amended Accusation, in case  
19 number W-180, the right to be represented by counsel, at his own expense, the right to confront  
20 and cross-examine the witnesses against him, the right to present evidence and to testify on his  
21 own behalf and to the issuance of subpoenas to compel the attendance of witnesses and the  
22 production of documents, the right to reconsideration and court review of an adverse decision,  
23 and all other rights accorded by the California Administrative Procedure Act and other applicable  
24 laws.

25 7. Respondent voluntarily, knowingly and intelligently waives and gives up  
26 each and every right set forth above.

27 **CULPABILITY**

28 8. Respondent understands that the charges and allegations in the First

1 Amended Accusation, in case number W-180, if proven at a hearing, constitute cause for  
2 imposing discipline upon his Psychologist's License.

3           9.       For the purpose of resolving First Amended Accusation, in case number  
4 W-180, without the expense and uncertainty of further proceedings, Respondent agrees that, at a  
5 hearing, Complainant could establish a factual basis for the charges in the First Amended  
6 Accusation. Respondent hereby gives up his right to contest that cause for discipline exists  
7 based on those charges and hereby surrenders his Psychologist's License Number PSY 12965 for  
8 the Board's formal acceptance. Respondent agrees to pay to the Board the sum of \$ 6,000.00,  
9 toward the Board's costs of investigation and prosecution in this matter. This sum is not due and  
10 payable to the Board unless and until the Respondent petitions the Board for reinstatement of his  
11 psychologist's license..

12                                   **EFFECT OF SURRENDER**

13           10.       Respondent understands that by signing this stipulation he enables the  
14 Board to issue its order accepting the surrender of his Psychologist's License without further  
15 process.

16           11.       Upon acceptance of the stipulation by the Board, Respondent understands  
17 that he will no longer be permitted to practice as psychologist in California, and also agrees to  
18 surrender and cause to be delivered to the Board both his license and wallet certificate before the  
19 effective date of the decision.

20           12.       Respondent fully understands and agrees that if he ever files an application  
21 for relicensure or reinstatement in the State of California, the Board shall treat it as a petition for  
22 reinstatement. Respondent must comply with all the laws, regulations and procedures for  
23 reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges  
24 and allegations contained in the First Amended Accusation, in case number W-180, will be  
25 deemed to be true, correct and admitted by Respondent when the Board determines whether to  
26 grant or deny the petition.

27                                   **RESERVATION**

28           13.       The admissions made by Respondent herein are only for the purposes of

1 this proceeding, or any other proceedings in which the Board of Psychology or other professional  
2 licensing agency is involved, and shall not be admissible in any other criminal or civil  
3 proceeding.

4 CONTINGENCY

5 14. This stipulation shall be subject to the approval of the Board. Respondent  
6 understands and agrees that Board of Psychology's staff and counsel for complainant may  
7 communicate directly with the Board regarding this stipulation and settlement, without notice to  
8 or participation by Respondent or his counsel. If the Board fails to adopt this stipulation as its  
9 Order, the Stipulation for Surrender of License Order shall be of no force or effect, it shall be  
10 inadmissible in any legal action between the parties, and the Board shall not be disqualified from  
11 further action in this matter by virtue of its consideration of this stipulation.

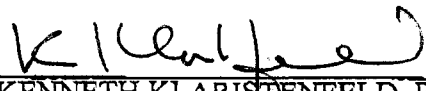
12 15. The parties agree that facsimile copies to this Stipulated Surrender of  
13 License and Order, including facsimile signatures thereto, shall have the same force and effect as  
14 original Stipulated Settlement and Disciplinary Order and signatures.

ACCEPTANCE

I, Kenneth Klaristenfeld, Ph.D. have carefully read the above Stipulated Surrender of License and entered into this agreement freely and voluntarily with the advice of counsel, and with full knowledge of its force and effect, do hereby surrender my Psychologist's License to the Board of Psychology for its formal acceptance. By signing this Stipulated Surrender of License I recognize that upon its formal acceptance by the Board I will lose all rights and privileges to practice as a psychologist in the State of California and I will also cause to be delivered to the Board both my license and wallet certificate before the effective date of the decision.

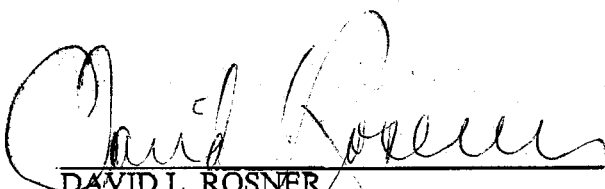
I further agree that a facsimile copy of this Stipulated Surrender of License and Order including facsimile copies of signatures, may be used with the same force and effect as the originals.

DATED: 3/2/01

  
KENNETH KLARISTENFELD, PH.D.  
Respondent

I have read and fully discussed with Respondent Kenneth Klaristenfeld, Ph.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 3/5/01

  
DAVID L. ROSNER  
Attorney for Respondent

**ENDORSEMENT**

The foregoing Stipulated Surrender of License is hereby respectfully submitted  
for consideration by the Board of Psychology of the Department of Consumer Affairs.

DATED: March 5, 2001.

BILL LOCKYER, Attorney General  
of the State of California

  
\_\_\_\_\_  
RICHARD D. MARINO  
Deputy Attorney General

Attorneys for Complainant

DOJ Docket Number: 03598160-LA2000AD1119  
Stipulation for surrender.wpt 8/8/00

**Exhibit A:**

**First Amended Accusation No. W-180**



BILL LOCKYER, Attorney General  
of the State of California  
RICHARD D. MARINO (State Bar No. 90471)  
Deputy Attorney General  
California Department of Justice  
300 South Spring Street, Suite 5212  
Los Angeles, California 90013-1233  
Telephone: (213) 897-8644

Attorneys for Complainant

BEFORE THE  
BOARD OF PSYCHOLOGY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**KENNETH KLARISTENFELD, PH.D.**  
5435 Balboa Blvd., Ste. 207  
Encino, Ca. 91316

Psychologist's License No. PSY 12965,

Psychological Assistant Registration No. PSB 6003,

Respondent.

Case No. W-180

OAH No. L-200005

**FIRST AMENDED ACCUSATION**

Complainant alleges:

**PARTIES**

1. Complainant THOMAS S. O'CONNOR is the Executive Officer of the Board of Psychology and brings this accusation solely in his official capacity.

2. On or about July 27, 1992, Psychologist's License No. PSY 12965 was issued by the Board to KENNETH KLARISTENFELD, Ph.D. ("Respondent"), and at all times relevant to the charges brought herein, this license has been in full force and effect. Unless renewed, it will expire on April 30, 2002.

3. On or about June 8, 1981, Psychological Assistant Registration No. PSB 6003

1 was issued by the Board to respondent. This registration was regularly renewed and was valid  
2 through July 27, 1992, when respondent was issued his psychologist's license.

3 4. On or about September 27, 1976, Marriage, Family and Child Counselor's  
4 License No. MFC 8505 was issued by the Board of Behavioral Science to respondent. On or about  
5 September 30, 1994, that license expired for non-payment of renewal fees. On or about September  
6 30, 1994, that license was canceled by the Board of Behavioral Science.

7 JURISDICTION

8 5. This accusation is brought before the Board under the authority of the  
9 following sections of the California Business and Professions Code (hereinafter "Code"):

10 A. Section 2960 of the Code provides:

11 The board may refuse to issue any registration or license, or may issue  
12 a registration or license with terms and conditions, or may suspend or revoke the  
13 registration or license of any registrant or licensee if the applicant, registrant, or  
14 licensee has been guilty of unprofessional conduct. Unprofessional conduct shall  
15 include, but not limited to:

16 ...

17 (i) Violating any rule of professional conduct promulgated by the  
18 board and set forth in regulations duly adopted under this chapter.

19 (j) Being grossly negligent in the practice of his or her profession.

20 (k) Violating any of the provisions of this chapter or regulations duly  
21 adopted thereunder.

22 ...

23 (n) The commission of any dishonest, corrupt, or fraudulent act.

24 ...

25 (s) Repeated acts of negligence.

26 ....

1 B. Section 2964.5 of the Code provides:

2 The board at its discretion may require any licensee placed on  
3 probation or whose license is suspended to obtain additional professional training,  
4 to pass an examination upon the completion of that training and to pay the necessary  
5 examination fee. The examination may be written or oral or both, and may include  
6 a practical or clinical examination.

7 C. Section 2964.6 of the Code provides:

8 An administrative disciplinary decision that imposes terms of  
9 probation may include, among other things, a requirement that the licensee who is  
10 being placed on probation pay the monetary costs associated with monitoring the  
11 probation.

12 D. Section 125.3 of the Code provides, in relevant part, that the  
13 Board may request the administrative law judge to direct any licensee found to have  
14 committed a violation or violations of the licensing act, to pay the Board a sum not  
15 to exceed the reasonable costs of the investigation and enforcement of the case,  
16 including the fees charged by the Office of the Attorney General.

17 **CALIFORNIA CODE OF REGULATIONS**

18 6. California Code of Regulations (formerly California Administrative Code),  
19 Title 16, section 1396.1 provides:

20 It is recognized that a psychologist's effectiveness depends upon his  
21 or her ability to maintain sound interpersonal relations, and that temporary or more  
22 enduring problems in a psychologist's own personality may interfere with this ability  
23 and distort his or her appraisals of others. A psychologist shall not knowingly  
24 undertake any activity in which temporary or more enduring personal problems in the  
25 psychologist's personality integration may result in inferior professional services or  
26 harm to a patient or client. If a psychologist is already engaged in such activity when  
27 becoming aware of such personal problems, he or she shall seek competent

1 professional assistance to determine whether services to the patient or client should  
2 be continued or terminated.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Dishonest, Corrupt or Fraudulent Acts)**

5 7. Respondent KENNETH KLARISTENFELD, Ph.D., is subject to disciplinary  
6 action under section 2960, subdivision (n), of the Code in that respondent committed dishonest,  
7 corrupt or fraudulent acts during, after and in connection with the care, treatment and management  
8 of patient P.S.,<sup>1/</sup> as follows:

9 A. During 1985, Respondent, then a licensed Marriage, Family and Child  
10 Counselor met P.S., then an undergraduate student at the University of California at Los  
11 Angeles, at At Ease, a men's clothing store, located in Westwood. P.S. was a part-time  
12 salesperson and Respondent a customer. P.S. was physically attracted to a young woman  
13 who accompanied Respondent into the store. P.S. and Respondent engaged in conversation  
14 which led to Respondent obtaining P.S.' home telephone number.

15 B. A few days later, Respondent telephoned P.S. at his home.  
16 Respondent told P.S. that the young woman who had come into P.S.' store was interested in  
17 having a sexual relationship with P.S. Recalling his strong physical attraction to the young  
18 woman, P.S. agreed to meet Respondent in Westwood for drinks.

19 C. Thereafter, P.S. met Respondent in Westwood. The young woman  
20 was not with Respondent. After imbibing a few drinks, Respondent suggested that he and  
21 P.S. go to the office of W.C., Ph.D., a psychologist. P.S. agreed to accompany Respondent  
22 to the Dr. C.'s office. There, respondent told P.S. that if P.S., Respondent and the young  
23 woman were to have a sexual relationship together, respondent wanted to see if he,  
24 respondent, and P.S. were compatible.

25  
26 1. All patient references in this pleading shall be by initials only. The true name of  
27 the patient is known to respondent but will be provided to him upon his timely written request for  
discovery pursuant to Government Code section 11357.6.

1 D. Sometime thereafter, Respondent and P.S. arranged to meet again for  
2 drinks. After having a few drinks, Respondent took P.S. to Respondent's office which was  
3 located in the San Fernando Valley area of Los Angeles County. There, Respondent told  
4 P.S. that he, Respondent, would take P.S. on a "journey." Respondent told P.S., "I will show  
5 you your soul." P.S. was unsure what Respondent meant but was intrigued by the idea.

6 E. P.S. and Respondent then agreed that there would be no sexual activity  
7 between them or among them and the young woman and that Respondent would begin  
8 therapy and psychoanalysis with P.S. P.S. agreed. From then until February 1987, P.S. saw  
9 Respondent twice weekly, in individual therapy, and once weekly, in group therapy. For  
10 this, Respondent billed P.S. either \$75 or 50.00 for each session.

11 F. On or about and during 1986, P.S. became sexually involved with a  
12 woman and discussed this relationship with Respondent during therapy.

13 G. On or about and during February 1987, Respondent asked P.S. to be  
14 Respondent's "student" and advised P.S. that in order to become Respondent's student, P.S.  
15 would only be allowed to see his girlfriend once a week. Respondent also told P.S. that he  
16 would not be charged for therapy while P.S. was respondent's "student." P.S. agreed to  
17 become respondent's "student."

18 H. P.S. missed a therapy session with Respondent when P.S. took his  
19 girlfriend to dinner on Valentine's Day, February 14, 1987. When respondent next spoke  
20 with P.S., Respondent told P.S. that he would have to give up contact with all women and  
21 see respondent on a daily basis in order to continue as Respondent's "student."

22 I. Respondent and P.S. spent many weekends together at  
23 respondent's house with respondent's family.

24 J. Respondent and P.S. spent time together at Lake Arrowhead,  
25 California.

26 K. Respondent and his family stayed with P.S. and his family at  
27 Christmas in December 1987.

1 L. On or about and during December 1988, P.S. and his parents  
2 met dinner at a restaurant. Respondent was with P.S. They were drinking wine  
3 together. Respondent told P.S.' mother that he was teaching P.S. how to drink and  
4 that he, Respondent, did not believe in alcoholism. P.S. paid for the dinner;  
5 respondent told P.S.' mother that P.S. always paid.

6 M. Respondent allowed P.S. to pay some of Respondent's  
7 personal debts, including:

8 (1) the sum of \$250 toward respondent's  
9 outstanding balance on his house account at Northridge Liquor on or  
10 about and during June 1989;

11 (2) the sum of \$202.35, payable to Novus  
12 Windshield, for the repair of respondent's windshield on or about and  
13 during November 1989;

14 (3) a check in the amount of \$250, payable to Two  
15 Bunch Palms, a Palm Springs resort, on or about and during May  
16 1990;

17 (4) a check in the amount of \$52.74, payable to  
18 Gelson's, on or about and during December 1990; and,

19 (5) a check in the amount of \$1,500, payable to  
20 respondent, which respondent deposited into his "Center for Human  
21 Enrichment" business account on or about and during April 1991.<sup>2/</sup>

22 (6) 32 personal checks, payable to various Italian  
23 restaurants and eateries, totaling more than Nine Hundred Dollars  
24 (\$900.00), for dining bills incurred by respondent and P.S. between  
25 November 1987 and July 1991;

26  
27 2. At the same time, respondent gave P.S. a check in the same amount.

1 N. Respondent continually stressed the importance of intimacy,  
2 trust and obedience to P.S.

3 O. P.S. quit his employment and began working in his family's business.  
4 Respondent told P.S. that he, P.S., should split any large bonuses that he received with  
5 Respondent since respondent was the teacher. P.S. agreed. Pursuant to this agreement, P.S.  
6 gave respondent two checks, one in the amount of \$1,750 and the other in the amount of  
7 \$500, payable to respondent's profit sharing plan, on or about and during December 1988 and  
8 January 1989, respectively, as well as \$7,500 in cash on or about and during December 1989.

9 P. Beginning in February 1987, P.S. saw respondent nearly every night  
10 and weekend for approximately one year. On or about and during July 1988, when P.S.  
11 began working in his family's business, P.S. saw respondent less often. However, P.S. spoke  
12 with respondent by telephone daily and saw respondent nearly every other weekend for the  
13 next two years.

14 Q. On or about and during February 1990, P.S., at Respondent's request,  
15 loaned Respondent \$15,000 so that Respondent could pay his personal income taxes.  
16 Respondent did not repay the loan.

17 R. Sometime in 1990, the relationship between P.S. and  
18 Respondent began changing. P.S. and Respondent saw each other less and less.  
19 After 1990, the relationship consisted almost entirely of telephone conversations.  
20 P.S. would telephone respondent regularly. On occasions, P.S. would ask  
21 Respondent when P.S. could continue his "journey" with Respondent or, in the  
22 alternative, when P.S. could obtain closure. Respondent told P.S. on these occasions,  
23 "Soon, but now is not the time." and "Closure is not necessary."

24 S. On or about and during 1997, P.S. began seeing J.C., a clinical  
25 psychologist. P.S. discussed his relationship with Respondent and the fact that he had loaned  
26 Respondent money which Respondent did not repay. On or about June 19, 1997, J.C. gave  
27 P.S. a brochure containing information on the subject of sexual abuse between therapists and

patients.

T. P.S. last spoke with Respondent on or about and during the latter part of 1998.

U. According to P.S., during one his last telephone conversations with Respondent, P.S. questioned respondent about the \$15,000 loan he had not repaid. According to P.S. Respondent replied, "Fuck you. Do you know how much time I spent with you? The hotels we stayed at? The time I spent away from my family? Consider the money payment for the time I spent."

V. P.S. made the following payments, totaling \$8,600.00, to respondent for therapy rendered by respondent to P.S. between January 1989 and October 1990:

	<u>Amount (\$)</u>	<u>Date</u>
(1)	500	10.31.90
(2)	250	09.13.90
(3)	250	08.16.90
(4)	250	08.01.90
(5)	250	07.19.90
(6)	250	07.05.90
(7)	150	06.28.90
(8)	250	06.20.90
(9)	250	05.24.90
(10)	250	04.20.90
(11)	150	04.12.90
(12)	250	03.18.90
(13)	250	03.08.90
(14)	250	02.28.90
(15)	250	02.22.90
(16)	150	02.15.90



(17) 150 02.02.90  
(18) 300 01.23.90  
(19) 700 11.16.89  
(20) 750 09.28.89  
(21) 500 08.22.89  
(22) 500 07.20.89  
(23) 500 07.14.89  
(24) 250 06.06.89  
(25) 750 02.28.89  
(26) 250 02.03.89

**SECOND CAUSE FOR DISCIPLINE**

**(Violation of Rules of Conduct)**

8. Respondent KENNETH KLARISTENFELD, Ph.D., is subject to disciplinary action under section 2960, subdivision (i), of the Code, in conjunction with California Code of Regulations, Title 16, section 1396.1, in that respondent engaged in dual relationships with patient P.S. The circumstances are as follows:

A. Complainant refers to and, by this reference, incorporates paragraph 7, subparagraphs A through V, inclusive, above, as though fully set forth.

**THIRD CAUSE FOR DISCIPLINE**

**(Gross Negligence)**

9. Respondent KENNETH KLARISTENFELD, Ph.D., is subject to disciplinary action under section 2960, subdivision (j), of the Business and Professions Code in that respondent was grossly negligent in the care, treatment and management of patient P.S., as follows:

A. Complainant refers to and, by this reference, incorporates paragraph 7, subparagraphs A through V, inclusive, above, as though fully set forth.

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**FOURTH CAUSE FOR DISCIPLINE**

**(Repeated Negligent Acts)**

10. Respondent KENNETH KLARISTENFELD, Ph.D., is subject to disciplinary action under section 2960, subdivision (s), of the Business and Professions Code in that respondent committed repeated acts of negligence in the care, treatment and management of patient P.S., as follows:

A. Complainant refers to and, by this reference, incorporates paragraph 7, subparagraphs A through V, inclusive, above, as though fully set forth.

**FIFTH  
SIXTH CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct)**

11. Respondent KENNETH KLARISTENFELD, Ph.D., is subject to disciplinary action under section 2960, generally, of the Business and Professions Code in that respondent has engaged in unprofessional conduct during the care, treatment, and management of patient P.S. The circumstances are as follows:

A. Complainant refers to and, by this reference, incorporates paragraph 7, subparagraphs A through V, inclusive, above, as though fully set forth.

PRAYER

WHEREFORE, the complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Psychologist's License Number PSY 12965, heretofore issued to respondent KENNETH KLARISTENFELD, Ph.D.;

2. Ordering respondent to pay the Board the actual and reasonable costs of the investigation and enforcement of this case and probation monitoring, if applicable; and,

3. Taking such other and further action as the Board deems necessary and proper.

DATED: March 5, 2001.

Thomas S. O'Connor  
Executive Officer  
Board of Psychology  
Department of Consumer Affairs  
State of California

Complainant

By

Richard D. Marino  
Richard D. Marino  
Deputy Attorney General

Investigation No. 1F-1998-89032

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation Filed  
Against:

Kenneth Klaristenfeld, Ph.D.

No. : W180

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Kenneth Klaristenfeld, Ph.D.  
5435 Balboa Boulevard, Suite 207  
Encino, CA 91316

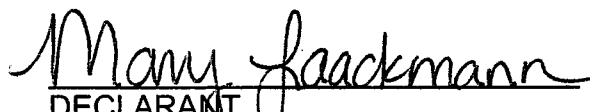
7000 0520 0021 8424 3035

David L. Rosner, Attorney at Law  
Law Offices of David L. Rosner  
12400 Wilshire Boulevard, Suite 900  
Los Angeles, CA 90025

Richard D. Marino  
Deputy Attorney General  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013

Each said envelope was then on, April 9, 2001, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, April 9, 2001, at Sacramento, California.  
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
DECLARANT  
Mary Laackmann  
Enforcement Analyst